

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.778 OF 2005

IN

SUIT NO.1854 OF 2001

Indbank Merchant Banking Services Ltd. ... Plaintiff

vs.

1. M/s.Shreeji Investment & others. ...Defendants.

Mr.Avdhoot Prabhu i/b. M/s.Dhruva & Co. for Plaintiff..

None for Defendants.

CORAM: D.K.DESHMUKH,J.

DATED: 5th October,2006

P.C.:-

1. This is a notice of motion taken out by the plaintiff. The plaintiff is seeking permission of the Court to appropriate the amount which is mentioned in prayer clause (a) of this notice of motion. Admitted position is that there is no decree passed in favour of the plaintiff, therefore, there is no question of plaintiff appropriating any

amount without decree being passed. The learned Counsel appearing for plaintiff then submitted that the plaintiff should be permitted to withdraw the amount from the account and the plaintiff will bring back the amount if necessary. When I put to the learned Counsel that he will have to bring back the amount with interest at such rate which the Court may determine at that stage, the learned Counsel states that without instructions he cannot state anything in the matter. The notice of motion is therefore, disposed of.
